IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

Crl.MC.No. 66 of 2007()

CRRP.30/2004 of SESSIONS COURT, KASARAGOD
MC.357/2001 of JUDL.MAGISTRATE OF FIRST CLASS-I, HOSDRUG

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PETITIONER: REVISION PETITIONER/RESPONDENT:

ASHOKAN P., AGED 35 YEARS,
S/O. LATE KARUNAKARAN, ADUKKATHIL HOUSE,
PANAYAL VILLAGE, HOSDURG TALUK, P.O. PAKKAM,
VIA. PALLIKKARA, KASARAGOD DISTRICT.

BY ADV. SRI.T.K.VIPINDAS

RESPONDENTS: RESPONDENTS/PETITIONERS:

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1. PUSHPAVALLY T., AGED 26 YEARS,
D/O. DAMODARAN T., THANNODATH HOUSE, KURUMTHOOR,
KANHANGAD VILLAGE, HOSDURG TALUK, P.O. PADNEKKAD,
KASARAGOD DISTRICT.

2. APARNA (MINOR), D/O. ASHOKAN P.,
REPRESENTED BY HER MOTHER, PUSHPAVALLY T.,
THANNODATH HOUSE, KURUMTHOOR, KANHANGAD VILLAGE,
HOSDURG TALUK, P.O. PADNEKKAD, KASARAGOD DISTRICT.

BY P.P. SRI. GIKKU JACOB.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 09/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 66 OF 2007

Dated this the 9th day of January, 2007

ORDER

The petitioner has come to this Court against the concurrent direction issued under Sec.125 of the Cr.P.C. to pay maintenance to the 2nd claimant – admittedly a minor daughter of the petitioner. The courts below did not direct payment of maintenance to the 1st claimant – wife; but directed that the petitioner must pay maintenance at the rate of Rs.1,000/- per mensem to the second claimant. A revision petition was filed against the order passed by the learned Magistrate before the learned Sessions Judge. The learned Sessions Judge dismissed the revision petition. A second revision petition is not maintainable in the light of Sec.397(3) of the Cr.P.C. It is hence that the petitioner has come to this Court through the door of Sec.482 of the Cr.P.C. The learned counsel prays that the impugned orders may be interfered with invoking the powers under Sec.482 of the Cr.P.C.

2. What is the reason? The learned counsel for the petitioner submits that the quantum of maintenance awarded

is excessive. Less said about the contention, the better. The minor child is aged 5 ½ years. The amount directed to be paid is only Rs.1,000/- per mensem. The petitioner claims to be a coolie worker; but admittedly he has a driving licence in his name. Viewed from any angle, I am not persuaded to agree that the quantum of maintenance directed to be paid is unjust or improper as to justify the invocation of the extraordinary inherent jurisdiction available to this Court under Sec.482 of the Cr.P.C.

3. This Crl.M.C. is, in these circumstances, dismissed.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge